

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) For Authority To Update Marginal Costs, Cost Allocation, And Electric Rate Design

Application 11-10-002 (Filed October 3, 2011)
--

**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-01-002**

Claimant: The Utility Reform Network (TURN)	For contribution to Decision (D.) 14-01-002
Claimed: \$69,504.19	Awarded: \$69,504.19
Assigned Commissioner: Michael Picker	Assigned ALJs: Amy C. Yip-Kikugawa and Stephen C. Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	In D.14-01-002, <i>Decision Addressing the Application and the Motions to Adopt Partial Settlements</i> , the Commission addressed the marginal cost, revenue allocation, and rate design proposals submitted by San Diego Gas & Electric Company (SDG&E). The Commission approved the Revenue Allocation and Rate Design Settlement, which resolved some but not all issues in the proceeding. Most relevant to TURN's participation, the Commission also modified SDG&E's CARE discount allocation methodology, rejected without prejudice SDG&E's proposal for a Basic Service Fee, and denied SDG&E's proposed Prepay Program, among other things.
--	--

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	December 9, 2011	Verified
2. Other Specified Date for NOI:	N/A	N/A
3. Date NOI Filed:	January 9, 2012	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	P.10-08-016	Verified
6. Date of ALJ ruling:	Nov. 22, 2010	Verified
7. Based on another CPUC determination (specify):		N/A
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	P.10-08-016	Verified
10. Date of ALJ ruling:	Nov. 22, 2010	Verified
11. Based on another CPUC determination (specify):		N/A
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-01-002	Verified
14. Date of Issuance of Final Order or Decision:	January 23, 2014	Verified
15. File date of compensation request:	March 24, 2014	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
5,6,9,10	TURN received a finding of customer or customer-related status and significant financial hardship in an ALJ Ruling issued on Nov. 22, 2010, in P.10-08-016, as indicated above, which was 11 months prior to the commencement of this proceeding. This finding falls within the 1 year rebuttable presumption.	The Commission accepts this assertion.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>Prepay Program</u></p> <p>TURN demonstrated that SDG&E's proposed Prepay Program for residential customers should be rejected as not in the public interest because it would fail to afford participating customers adequate notice and related consumer protections before disconnection of electric service, as required by the Public Utilities Code.</p>	<ul style="list-style-type: none"> • D.14-01-002, p. 54 ("While a Prepay Program may offer benefits to residential customers in certain circumstances, we do not find SDG&E's proposed Prepay Program, in its current form, to be in the public interest."); Finding of Fact 11; Conclusions of Law 19-22. • TURN Protest, 11/7/11, pp. 5-6; TURN/CforAT response to UCAN motion, 11/17/11, pp. 7-13; Ex. NCLC-1 (Prepared Direct Testimony of John Howat Addressing SDG&E's Prepay Proposal on Behalf of NCLC, TURN, CforAt, and Greenlining), 6/12/12; TURN/NCLC/CforAT/Greenlining Op Brief on Prepay, 11/16/12; TURN/NCLC/CforAT/Greenlining Rep Brief on Prepay, 12/14/12. 	Yes
<p>TURN demonstrated that the Commission should reject the recommendation to modify the PD to expressly encourage the development of a modified version of a prepay program and to schedule a formal workshop to that end.</p>	<ul style="list-style-type: none"> • <i>Compare</i> PD, p. 55-56 with D.14-01-002, pp. 54-55 (supplementing the PD with the following <i>neutral language</i> about the Commission's future consideration of prepaid electricity service: "Our decision to reject SDG&E's proposed Prepay Program should not be seen as foreclosing it from seeking to offer such an option in the future. However, any future proposals must take into account the need to ensure that there is an adequate means to provide notice to customers before their electric service is disconnected."). 	Yes

	<ul style="list-style-type: none"> TURN Rep Cmts on the Proposed Decision, 12/16/13, pp. 2-3 (arguing that it would be unnecessary and inappropriate, based on the record of this proceeding, for the Commission to modify the PD, as suggested by Joint Parties, to <i>actively encourage</i> SDG&E and other utilities to develop an improved prepay program and to hold “an exploratory formal workshop within 45 days of the final decision” about prepay). 	
<p><u>Allocation of CARE Discount</u></p> <p>TURN demonstrated that Public Utilities Code Section 327(a)(5) requires the costs of the entire CARE discount to be allocated to all customers on an equal cents-per-kilowatt-hour (or per-therm) basis. The Commission agreed with TURN’s analysis and rejected SDG&E’s proposed allocation of CARE costs.</p>	<ul style="list-style-type: none"> D.14-01-002, p. 49 (“We also find that the actual language of Section 327(a)(7) clearly supports the outcome advocated by ORA and TURN...Lest there be any doubt, TURN correctly points out that the Legislative Counsel’s Digest for SB 695 refers to the recovery of CARE costs on an equal cents-per-kilowatt-hour or per-therm basis from all classes of customers, not the costs of the weatherization programs addressed in Section 2790... Based on the above, we reject SDG&E’s proposed allocation of CARE costs and direct that, going forward, SDG&E allocate all CARE costs across all non-CARE customer classes on an equal cents-per-kilowatt-hour basis.”). See also pp. 55-57, Conclusions of Law 15, 16, 17, 18. TURN Opening Cmts on Proposed Decision, 12/10/13, pp. 1-9; TURN Rep Cmts on the Proposed Decision, 12/16/13, pp. 1-2, TURN Rep Brief, 12/14/12, pp. 4-8. 	Yes

<p><u>Basic Service Fee</u></p> <p>TURN contributed to the Commission's determination that SDG&E's proposed Basic Service Fee should be rejected in this proceeding. The Commission denied SDG&E's proposal (without prejudice) and held that changes in law enacted during 2013 (and effective on January 1, 2014) would require consideration of any new fixed charge within a consolidated rulemaking.</p>	<ul style="list-style-type: none"> • D.14-01-002, pp. 38-41, ("TURN provides a succinct summary of the arguments against the BSF"). • TURN Protest, 11/7/11, pp. 2-4; TURN/CforAT response to UCAN motion, 11/17/11, pp. 2-7; TURN Op Brief, 11/16/12, pp. 1-10; TURN Rep Brief, 12/14/12, pp. 1-4. • See Comment #1 (below) for additional discussion. 	Yes
---	--	-----

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
<p>c. If so, provide name of other parties:</p> <p>Parties with similar positions to TURN's on one or more issues included the following: ORA, the National Consumer Law Center (NCLC), the Greenlining Institute (Greenlining), the Center for Accessible Technology (CforAT), the Utility Consumers Action Network (UCAN), the San Diego Consumers Action Network (SDCAN), and the Joint Parties.</p>		Verified
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>TURN coordinated extensively with other parties with similar interests to avoid duplication and/or supplement or complement the work of other parties.</p> <p><u>Prepay</u></p> <p>On the Prepay issue, TURN's efforts to coordinate with other parties began even before SDG&E filed its application, as the utility had briefed</p>		Verified

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

TURN (and several other consumer groups) on its intention to include a Prepay proposal several months before filing. This advanced notice created an unusual opportunity to commence coordination on strategy and workload coverage from the outset of the proceeding.

The result of this coordination was that TURN presented testimony opposing SDG&E's Prepay proposal jointly with NCLC, CforAT, and Greenlining, which was sponsored by NCLC staff member John Howat, a national expert on utility prepayment program issues. TURN worked very closely with NCLC in the preparation of Mr. Howat's testimony, while avoiding the need to retain our own witness to sponsor separate testimony. Given Mr. Howat's national (and even international) focus, TURN could assist him by providing research and drafting related to California-specific laws, as well as our extensive review of the entire testimony. Having a single volume of testimony submitted by TURN, NCLC, CforAT, and Greenlining, rather than four separate witnesses and testimonies, created efficiencies for all parties and the Commission. TURN and our joint participants also coordinated with ORA (then-DRA), and other parties interested in Prepay, such that each party (or coalition) was able to avoid undue duplication and provide complementary or supplemental analysis and information in testimony, creating a more robust record for the Commission.

Next, TURN coordinated with all of the parties opposing Prepay about potential cross-examination during hearings. Following hearings, TURN filed opening and reply briefs on the Prepay issue jointly with NCLC, CforAT, and Greenlining, thus avoiding duplication. TURN and NCLC divided the workload such that TURN's attorney drafted certain sections, while NCLC's attorney drafted other sections of both the opening and reply briefs. With the issuance of the Proposed Decision (PD), TURN again conferred with NCLC, CforAT, and Greenlining, as well as ORA, SDCAN, and the Joint Parties. It was agreed that NCLC would draft opening comments on the PD on behalf of TURN, CforAT, and Greenlining, thus allowing the rest of us to limit our role to reviewing what NCLC drafted in preparation for filing. Then TURN took the lead in drafting reply comments on the Prepay issue.

All of this extensive coordination resulted in each party, including TURN, needing to devote less time and cost to litigating this proceeding, and a more streamlined, yet thoroughly developed, record on the Prepay issue. TURN submits that the Commission should find that TURN avoided undue duplication and complemented or supplemented the work of other parties with interests similar to ours.

Basic Service Fee

In work on the Basic Service Fee proposal, TURN actively coordinated with UCAN and CforAT. TURN encouraged UCAN to file a motion

seeking to have the BSF removed from the proceeding and filed a joint response with CforAT supporting UCAN's motion and offering extensive legal argument in support of the proposed outcome. After the Commission declined to remove the BSF from the proceeding, TURN conducted limited cross-examination of SDG&E's primary witness on this topic and drafted opening and reply brief sections focused exclusively on the legal basis for rejecting this proposal. By contrast, other intervenors addressed policy reasons for rejecting the BSF. Under these circumstances, the Commission should not reduce TURN's award of compensation due to duplication.

Allocation of CARE Discount

In work on the allocation of the CARE discount, TURN avoided duplication by limiting involvement in this issue to addressing legal issues in reply briefs and comments on the Proposed Decision. TURN coordinated with ORA to ensure that both organizations offered unique evidence in support of the position that the CARE discount must be allocated on an equal cents-per-kilowatt-hour basis. For example, TURN undertook a more comprehensive analysis of §327(a)(7) that included references to the Legislative History, Committee Analyses, and the Legislative Counsel Digest. The Commission relied upon TURN's unique arguments in reaching the conclusion that SDG&E's proposal was inconsistent with state law. As a result, the Commission should find that there was no duplication of effort that merits a reduction to an award of compensation to TURN.

Summary

In a proceeding such as this where many stakeholder groups participate, some degree of duplication may be practically unavoidable. TURN and other parties at times supported overlapping recommendations, but TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. Moreover, in those instances, TURN sought to bolster support for the proposal by emphasizing distinct facts or authority to support the recommendation.

In these circumstances, TURN submits that the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5. Hence, the Commission should not reduce TURN's award of compensation due to duplication.

C. Additional Comments on Part II:

#	Intervenor's Comment(s)	CPUC Discussion
1	<p>Approximately nine months after briefing on SDG&E's BSF was complete, the Legislature enacted AB 327 (Perea, 2013) and thereby made revisions to key sections of the Public Utilities Code relating to the permissibility of new or expanded fixed customer charges. TURN's 2011 and 2012 filings in this proceeding relied upon the sections of law eliminated by AB 327 as of January 1, 2014. D.14-01-002 considers TURN's arguments but rejects SDG&E's BSF on the basis that any such charge should only be considered in a consolidated rulemaking.</p> <p>The Commission has previously awarded compensation for substantial contributions in cases where Legislation enacted changes to key statutory provisions upon which intervenors had relied to make their arguments prior to the issuance of a final decision. For example, the Commission awarded TURN full compensation under similar circumstances in D.04-03-031 and D.07-07-031. The Commission has also awarded full compensation when issues are decided due to intervening factors outside of the case itself (see D.13-02-032).</p> <p>Because SDG&E's BSF proposal was not adopted in this proceeding, the Commission should find that TURN made a substantial contribution. To the extent that the basis for rejecting the BSF relates to the enactment of AB 327, the Commission should still grant TURN full compensation for work on this issue consistent with similar treatment in D.04-03-031, D.07-07-031 and D.13-02-032.</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
<p>TURN's request for intervenor compensation seeks an award of approximately \$70,000 as the reasonable cost of our participation in this two and a half year proceeding. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p>	<hr/> <p>We agree with the benefits to ratepayers</p>

<p>TURN's advocacy reflected in D.14-01-002 related to SDG&E's Prepay Program addressed policy matters rather than specific rates or disputes over particular dollar amounts. (See Section II.A above). Thus, TURN cannot easily identify precise monetary benefits to ratepayers from our work opposing Prepay, given the nature of the issues presented. However, TURN submits that our successful defeat of SDG&E's Prepay proposal – an issue of first impression in California -- prevented the erosion of disconnection-related consumer protections for residential customers, which could have resulted in a significant increase in disconnections of customers struggling to keep up with electricity bills who might have enrolled in Prepay. Because utility shutoffs trigger all kinds of financial impacts, including service reinstatement costs, food spoilage and replacement costs, and possibly eviction, in addition to a host of health and safety issues, policies that assist consumers in being able avoid shutoffs bestow enormous benefits upon those Californians most in need of assistance, as the Commission has previously recognized. (<i>See, e.g.</i>, D.13-03-027, issued in R.10-02-005 (granting TURN's request for intervenor compensation in that proceeding for contributing to policies intended to reduce the number of disconnections for nonpayment).)</p> <p>TURN's work related to SDG&E's proposed BSF and CARE discount allocation methodology bears a more direct relationship to rates. TURN's successful advocacy against the adoption of SDG&E's proposed BSF benefited low-and-moderate usage residential customers by preventing unreasonable bill increases. TURN's role in the rejection of SDG&E's CARE discount allocation proposal prevented the residential customer class from bearing excessive responsibility for the costs of this low-income discount program. (See Section II.A above).</p>	<p>that TURN lists here, in addition to the fact that the benefits to ratepayers will outweigh the cost of TURN's participation in this proceeding. TURN's hours and costs are reasonable and warrant compensation.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes approximately 220 hours for TURN's attorneys spanning nearly two and a half years (albeit with an extended gap between the time the proceeding was submitted and a proposed decision issued). TURN's efforts reflected herein resulted in substantial contributions to D.14-01-002 related to each of the issues addressed by TURN, detailed above, and encompass work related to the preparation of expert testimony and nine formal filings submitted by TURN, participation in evidentiary hearings, plus numerous other activities related to active participation in this proceeding. For all of these reasons, as well as those provided below, TURN submits that the number of hours for each TURN representative is reasonable.</p> <p><u>TURN Staff Hours</u></p> <p>TURN assigned two staff attorneys to this proceeding, Matthew Freedman and Hayley Goodson. Mr. Freedman covered SDG&E's proposed Basic Service Fee, as well as the methodology used to allocate the CARE subsidy. Ms. Goodson covered SDG&E's proposed Prepay program. This division of labor was efficient because Mr. Freedman had recently litigated the lawfulness of a proposal submitted by PG&E similar to SDG&E's Basic Service Fee. Ms. Goodson was a sensible choice for covering the Prepay issues because she was also TURN's attorney in R.10-02-005, the Disconnections Rulemaking, wherein credit and</p>	<p>The number of hours presented for compensation are reasonable.</p>

collections practices and affordability issues faced by low-income customers have been considered. The hours Ms. Goodson and Ms. Freedman devoted to coordinating their respective responsibilities represent an extremely modest fraction of the total hours expended by each. Finally, while Ms. Goodson took the lead on preparing this request for compensation, Mr. Freedman contributed the portions directly pertaining to his work in the proceeding, thus continuing the efficient division of labor among the two TURN attorneys.

Meetings

A very small number of hourly entries reflect meetings attended by more than one TURN attorney. TURN submits that these hours do not reflect internal duplication. Rather, such participation was essential to TURN's development and implementation of its strategy for this proceeding. TURN's requested hours are limited to those where each attorney's presence at a meeting was necessary in order to achieve the meeting's purpose. Such meetings can be part of an intervenor's effective advocacy before the Commission, and as such, intervenor compensation can and should be awarded for the time of all participants where each participant is needed to advance the intervenor's advocacy efforts. (On the other hand, in some cases, TURN has included the hours of only one attorney, even where the meeting description includes the participation of more than one TURN representative).

Conclusion

TURN submits that the Commission should find the hours requested here to be reasonable under the circumstances, and that TURN's showing supports that conclusion. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.

c. Allocation of Hours by Issue

Code	Description	Allocation of Time
#	The work in this category was substantive in nature but not specific to a single issue area addressed by TURN.	1.5%
BSF	Basic Service Fee -- The work in this category was related to SDG&E's proposed Basic Service Fee for residential customers.	13.7%
CARE	California Alternate Rates for Energy -- This work was related to SDG&E's proposal to allocate the costs of the CARE discount in a manner contrary to the plain language of Public Utilities Code Section 327(a)(7).	7.6%
Comp	Intervenor Compensation -- Work preparing TURN's NOI and Request for Compensation	7.6%
Coord	Coordination -- This work was related to coordinating TURN's participation with other parties.	1.1%

This allocation of hours by issue accurately reflects those of the time sheets submitted.

GH	General Hearing -- Evidentiary hearing-related, but not issue specific.	5.3%	
GP	General Participation -- The work in this category includes activities associated with general participation in this proceeding, such as TURN's initial review of the applications, attending the PHC, and reading ALJ procedural rulings and parties' preliminary pleadings as necessary to determine whether TURN should address the issues raised.	5.7%	
PD	Proposed Decision -- This work was related to the Proposed Decision which preceded D.14-01-002, where such work was not readily allocated to a specific issue code.	2.2%	
Prepay	The work in this category was related to SDG&E's proposed Prepay Program for residential customers.	55.3%	
TOTAL		100%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Matthew Freedman	2011	10.5	\$350	D.12-07-019	\$3,675.00	10.5	\$350	\$3,675.00
Matthew Freedman	2012	30.25	\$375	See Comment #1	\$11,343.75	30.25	\$375 ²	\$11,343.75
Matthew Freedman	2013	15.50	\$400	See Comment #1	\$6,200.00	15.50	\$400 ³	\$6,200.00
Hayley Goodson	2011	30.00	\$300	D.13-08-022, issued in A.10-11-015	\$9,000.00	30	\$300	\$9,000.00
Hayley Goodson	2012	105.75	\$325	D.13-08-022, issued in A.10-11-015	\$34,368.75	105.75	\$325	\$34,368.75
Hayley Goodson	2013	5.50	\$345	2012 Rate approved in D.13- 08-022, increased	\$1,897.50	5.50	\$345 ⁴	\$1,897.50

² Application of 2.2% Cost-of-Living Adjustment, Resolution ALJ-281 and first 5% step increase. Although records from the State Bar of California indicate an admission date of March 29, 2001, Commission staff verified that Freedman was actually admitted to the California Bar in 1999 and due to a procedural error at the State Bar of California the date of admission date listed at <http://www.calbar.ca.gov/> is incorrect. Therefore, Freedman falls into the 13+ years of experience range.

³ See Decision (D.)14-11-019 at 7.

⁴ Application of 2.0% Cost-of-Living Adjustment, Resolution ALJ-287 and first 5% step increase, reflective of reaching the 8-12 years of experience range.

				by 2% COLA for 2013 approved in Resolution ALJ-287, plus 5% step increase. See Comment #2.				
Subtotal: \$66,485.00						Subtotal: \$66,485.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Freedman	2012	1.00	\$187.50	½ of requested hourly rate for 2012. See Comment #1.	\$187.50	1.00	\$187.50	\$187.50
Matthew Freedman	2014	2.5	\$200	½ of requested hourly rate for 2013. See Comment #1.	\$500.00	2.5	\$200	\$500.00
Hayley Goodson	2014	12.75	\$172.50	½ of requested hourly rate for 2013. See Comment #2.	\$2,199.38	12.75	\$172.50	\$2,199.38
Subtotal: \$2,886.88						Subtotal: \$2,886.88		
COSTS								
#	Item	Detail			Amount	Amount		
1	Photocopies	Copies of filings in A.11-10-002			\$39.10	\$39.10		
2	Postage	Mailing costs for filings in A.11-10-002			\$35.64	\$35.64		
3	Telephone	Calls related to work in A.11-10-002			\$47.00	\$47.00		
4	Lexis/Nexis	Computerized legal research related to work in A.11-10-002			\$10.57	\$10.57		
Subtotal: \$132.31						Subtotal: \$132.31		
TOTAL REQUEST: \$69,504.19						TOTAL AWARD: \$69,504.19		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								

Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Matthew Freedman	March 29, 2001	214812	No
Hayley Goodson	December 5, 2003	228535	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time sheets for TURN's attorneys
Attachment #3	TURN direct expenses
Attachment #4	Additional Spreadsheet Supporting TURN's Claim (Allocation by Issue Code)
Comment #1	<p>Hourly Rates for TURN Attorney Matthew Freedman</p> <p><u>2012</u></p> <p>For Mr. Freedman's work in 2012, TURN seeks an hourly rate of \$375, an increase of 7.2% from the previously awarded rate of \$350 for 2011. This increase is consistent with the general 2.2% cost-of-living increase provided for in Res. ALJ-281, plus the first of two 5% step increases available with his move to the 13+ years experience tier.</p> <p>The Commission has previously awarded TURN a rate of \$350 in D.12-07-019, \$358 in D.13-09-020, and \$360 in D.13-02-032 and D.13-05-008 for Mr. Freedman's 2012 hours. TURN currently has two pending requests for compensation that include 2012 hours for Mr. Freedman at either the 2011 rate (in A.10-11-002) or at the \$375 rate (A.11-06-007, filed June 3, 2013). TURN is not seeking to change the hourly rate for Mr. Freedman's work in 2012 for any of the pending or awarded requests that include his 2012 work. However, TURN is seeking a \$375 rate for 2012 work in A.11-06-007, in this proceeding, and in all future compensation requests that include 2012 hours for Mr. Freedman, consistent with the Commission's prior decisions and resolutions providing for step increases.</p> <p><u>2013</u></p> <p>For Mr. Freedman's work in 2013, TURN seeks an hourly rate of \$400, an increase of 7% from TURN's requested rate of \$375 for 2012. This increase is consistent with the general 2% cost-of-living increase provided for in Res. ALJ-287, plus the second of two 5% step increases available with his move to the 13+ years experience tier.</p> <p><u>2014</u></p>

⁵ This information may be obtained at: <http://www.calbar.ca.gov/>.

	<p>For Mr. Freedman's work in 2014, TURN seeks the same hourly rate as for his work in 2013. At the time of the submission of this request for compensation, the Commission had not adopted a general COLA for 2014. TURN reserves the right to seek a higher rate for Mr. Freedman's work in other proceedings in 2014, consistent with the Commission's guidelines.</p>
Comment #2	<p>Hourly Rates for TURN Attorney Hayley Goodson</p> <p><u>2013</u></p> <p>For Ms. Goodson's work in 2013, TURN seeks an hourly rate of \$345, an increase over the \$325 hourly rate adopted by the Commission in D.13-08-022 for her work in 2012. TURN has adjusted Ms. Goodson's 2012 hourly rate of \$325 by two factors in arriving at the requested 2013 rate. The first is the general 2% COLA authorized in Resolution ALJ-287 for 2013. The second is a 5% step increase, following Ms. Goodson's move to the 8-12 years experience tier in 2011. These two increases, rounded down, yield a \$345 hourly rate*, well within the range of \$310-\$365 established in Resolution ALJ-287 for an attorney with Ms. Goodson's experience.</p> <p><u>2014</u></p> <p>For Ms. Goodson's work in 2014, TURN seeks the same hourly rate as for her work in 2013. At the time of the submission of this request for compensation, the Commission had not adopted a general COLA for 2014. TURN reserves the right to seek a higher rate for Ms. Goodson's work in other proceedings in 2014, consistent with the Commission's guidelines.</p> <p>* TURN alerts the Commission that this requested rate of \$345 for Ms. Goodson's work in 2013 is different than the amount requested by TURN in its request for compensation currently pending in A.11-06-007. At the time that TURN filed that request on June 3, 2013, the Commission had not yet adopted the \$325 hourly rate for Ms. Goodson's work in 2012 that would ultimately be adopted in D.13-08-022. In the A.11-06-007 request, TURN used a 2012 rate of \$320 in applying the same 2% COLA and 5% step increase requested here, yielding a rate of \$340 (when rounded down).</p>

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.14-01-002.
2. The requested hourly rates for The Utility Reform Network's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$69,504.19.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$69,504.19.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric shall pay The Utility Reform Network the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 7, 2014, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision waived.

This decision is effective today.

Dated _____, 2015, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1401002		
Proceeding(s):	A1110002		
Author:	ALJ Yip-Kikugawa and ALJ Roscow		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	03-24-14	\$69,504.19	\$69,504.19	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Matthew	Freedman	Attorney	The Utility Reform Network	\$350	2011	\$350
Matthew	Freedman	Attorney	The Utility Reform Network	\$375	2012	\$375
Matthew	Freedman	Attorney	The Utility Reform Network	\$400	2013	\$400
Hayley	Goodson	Attorney	The Utility Reform Network	\$300	2011	\$300
Hayley	Goodson	Attorney	The Utility Reform Network	\$325	2012	\$325
Hayley	Goodson	Attorney	The Utility Reform Network	\$345	2013	\$345

(END OF APPENDIX)